REMARKS

Claims 22 – 37, 55 and 59 - 80 are pending.

The rejections are addressed below in detail. No new matter is introduced in this amendment.

In summary:

1) Claims 1 - 23, 31- 35 have been withdrawn;

2) the remaining §112 rejection ise addressed again below to resolve the Examiner's remaining rejection;

3) the other rejection of the claims under §102(e) is addressed below through amendment, traverse and argument.

Paragraph 4-5: Rejection of claims 22, 24, 25, 27, 35 and 37

The Examiner repeats the § 112 rejection, this time stating:

"...it is not clear whether the second computer is included in the limitation or is an alternative to the first computer."

The Applicants are uncertain on this rejection, because the Examiner does not explain *which* limitation he is not sure about vis-à-vis the inclusion of the second computer. The claim clearly sets out a "first" computer (limitation (a)) and a "second" computer (limitation (b)). It then sets out a "first software routine" (limitation (c)) which executes on either or both of the first computer and second computer. For the reasons set out in the July 7 2008 response (incorporated by reference herein) there is nothing "indefinite" about reciting that the routine can be implemented in both locations (i.e., in some distributed capacity) or in one of (either A, B) the locations. This is a well-known practice in computing systems; for an example, see U.S. patent no. 6,615,172 which discusses so-called "distributed" systems.

Thus the Examiner's question again sets out the question in the alternative but the claim is specifically broad enough to cover both scenarios. As with the first computer, the first software routine could be running entirely, partially, or not all on the second computer. This is standard logical parsing of the language that would be understood easily by persons skilled in this field. Accordingly the rejection is traversed.

Paragraphs 6 – 7 - Rejection of claims 22 - 37 and 55, 59 - 80 in light of Levy

These claims were rejected under a single § 102(e) count, based on the newly cited Levy reference, US Publication No. 2002/0052885. While the Applicants believe there are many reasons for distinguishing over such reference, they have focused on a few select points below to amend the claim to better differentiate thereover.

The Examiner notes that Levy has an embedded ID. This is true, to a point, and is illustrated in FIG. 5 of that reference:

ID Format

Copyright (1-3 bits)	Date (16 bits)	Unique Song ID (24-32 bits)	Retail Channel (12-16 bits)

The "format" of the ID is apparently built around the concept of having a unique *song* ID. However this would not make every downloaded or transferred track ID "unique," as each *customer* purchasing the same song would have the same exact ID. Accordingly Applicant submits that the reference does not teach the "unique" identifier for the asset as set out in claim 22. Nonetheless to make this clearer, claim 22 as amended emphasizes that the "unique" identifier includes customer information. This allows for better tracking of the digital assets across a network, and is not taught or suggested by Levy. Accordingly Applicant requests reconsideration of the rejection on this basis.

Dependent claims 22 - 37 should be allowable for at least the same reasons.

Independent claim 55 is similarly amended and should be allowable for similar reasons. Dependent claims 59 - 74 should be allowable for at least the same reasons.

Independent claim 75 is similarly amended and should be allowable for similar reasons. Moreover as the Examiner will note, this claim further specifies that each *transfer* is associated with a unique identifier that is embedded within the digital asset. This again makes it easier to track such asset as it moves about within a network. That is, a first transfer from A to B creates a first ID, while a second transfer to another entity

generates a second different ID. The asset thus exists in different forms throughout the network, and each is uniquely identifiable.
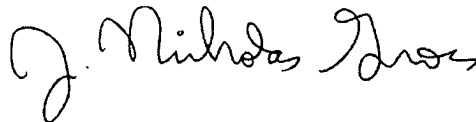
Dependent claims 76 – 80 should be allowable for at least the same reasons. Furthermore Levy does not teach "determining a source of a prior transfer" of an unauthorized version. At best it can apparently only identify the existence of an unauthorized copy.

Conclusion

The rejections and objections from the Examiner have been addressed in detail as noted above. For the reasons set forth above, the undersigned submits that the claims should be confirmed as patentable over the references.

Should the Examiner wish to discuss the present case at any time, please contact the undersigned at any convenient opportunity.

Respectfully submitted,

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